ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION

DIVISION I

CACR 06-1100

JAMIE A. WRIGHT
APPELLANT

May 9, 2007

APPEAL FROM THE OUACHITA COUNTY CIRCUIT COURT
[NO. CR-2006-08204; NO. CR-2005-192-4]

V.

STATE OF ARKANSAS
APPELLEE

HONORABLE CAROL CRAFTON-ANTHONY, JUDGE

AFFIRMED

SARAH J. HEFFLEY, JUDGE

Appellant Jamie Wright appeals her sentence of concurrent terms of eighteen years' imprisonment on two counts of delivery of crystal methamphetamine, in violation of Ark. Code Ann. § 5-64-401(a) (Repl. 2005), plus additional terms of two years for each count to run consecutively to each other and the base sentence pursuant to Ark. Code Ann. § 5-64-411 (Repl. 2005).[1] Appellant contends she should have received the minimum sentence of ten years' imprisonment for each of the base charges. Because appellant failed to present this argument to the trial court, it is not preserved for our review, and we accordingly affirm.

Appellant was charged with two counts of delivering crystal methamphetamine, occurring on July 21 and July 22, 2005, after selling the crystal methamphetamine to an

[1] Arkansas Code Annotated section 5-64-411 provides enhanced penalties for offenses under § 5-64-401(a) that are committed within 1000 feet of certain facilities, in this case a church and a city park.

informant working for the Camden Police Department. In addition, the delivery on July 21 took place within 1000 feet of a city park, and the delivery on July 22 took place within 1000 feet of a church, in violation of Ark. Code Ann. § 5-64-411. A jury trial was held on May 2, 2006, and appellant was found guilty on all counts. The jury recommended a sentence of eighteen years' imprisonment and a $1000 fine for each count of delivery of crystal methamphetamine and two years' imprisonment for each violation of Ark. Code Ann. § 5-64-411. The jury also recommended that the two eighteen-year sentences run concurrently and the two two-year sentences run consecutively as required under § 5-64-411(b). The trial court followed the jury's recommendation and imposed the sentences outlined above. A timely appeal to this court followed.

Appellant contends on appeal that "the testimony supports the Appellant's contention that she should have received the minimum sentence of ten (10) years in the Arkansas Department of Correction for each delivery." However, appellant failed to present this argument to the trial court below, and therefore it is not preserved for our review. While there is a narrow exception for sentences that are alleged to be void or illegal, *see Bangs v. State*, 310 Ark. 235, 835 S.W.2d 294 (1992), appellant does not argue that the sentence imposed by the trial court in this case falls under this exception. We will not consider an argument contesting the sentence if the appellant, even though present during the sentencing phase, failed to voice to the trial court her objection to the sentence. *Ladwig v. State*, 328 Ark. 241, 943 S.W.2d 571 (1997). A defendant who makes no objection at the time sentence is imposed has no standing to complain of it. *Id.*

We also note that appellant's argument would fail on its merits. An appellate court is not free to reduce a sentence—even one it feels is unduly harsh—as long as the sentence is within the range of punishment contemplated by the legislature. *Bunch v. State*, 344 Ark. 730, 43 S.W.3d 132 (2001). Arkansas Code Annotated section 5-64-401 (Repl. 2005) authorizes a sentence of ten to forty years or life in prison, and a maximum fine of $25,000, for the base offense appellant was found guilty of committing. In addition, Ark. Code Ann. § 5-64-411 authorizes a sentence of up to ten years' imprisonment for each violation of the enhanced-penalties statute. Appellant was sentenced to eighteen years' imprisonment for each of the base charges and two years' imprisonment for each violation of the enhancement statute. A defendant who has received a sentence within the statutory range short of the maximum sentence cannot show prejudice from the sentence itself. *Buckley v. State*, 349 Ark. 53, 76 S.W.3d 825 (2002).

Affirmed.

ROBBINS and GLOVER, JJ., agree.